



Talking Points on the Chairman's Mark to H.R. 1

In his "No Child Left Behind" proposal, the President identified four major goals. The following chart outlines the status of those goals.

"No Child Left Behind"	H.R. 1 As Introduced	Chairman's Mark
Increase Accountability (<i>Testing</i>)	Included	Included
Focus on What Works (<i>New Reading and Math & Science Initiatives</i>)	Included	Included
Reduce Bureaucracy and Increase Flexibility (<i>Charter States a.k.a. Straight A's</i>)	Straight A's Included	Straight A's DROPPED
Empower Parents (<i>School Choice</i>)	Included	DROPPED by Amendment in Committee

The President further proposed to increase federal education spending by 11%. While a final number is not available, it is believed that **the Chairman's Mark increases spending by 22%**. (Note: other education programs, including Higher Education are not included in the ESEA Reauthorization.)

At the end of the day, we are left with:

1. Federally mandated testing with a federal audit
2. New Reading, Math, and Science Programs, and
3. A 22% increase in spending in the first year.

The following reforms are left behind:

1. A meaningful program to allow State or local districts to escape burdensome federal regulations (*a description of Straight A's and the proposed Local A's or Flexibility is on the reverse*),
2. School choice.

The Chairman's Mark significantly waters down Republican proposals included in H.R. 1, including, for example:

- **Discipline of IDEA students** (*language ensuring ability to discipline children with disabilities if they bring drugs or weapons to schools or assault someone at school in Section 5137 is dropped*)

- **Protection for School Prayer** *(no funds for schools that deny voluntary constitutionally protected prayer in Section 8512 is replaced with a written certification from local LEAs that they do not have a policy that prevents constitutionally protected prayer in schools)*
- **Parental Consent for Bilingual Education** *(strict parent consent requirement in Section 3103 is replaced with requirement that schools make effort to get parental consent)*
- **Allowable use for attorney's fees to defend against frivolous ACLU-type lawsuits** *(allowing LEAs or schools to use up to 20% of administrative funds to pay attorneys' fees to defend against church-and-state establishment lawsuits regarding student religious expression or religious memorials in Section 8513 is dropped)*
- **Charitable Choice** *(drug and violence prevention grants and contracts with charitable, religious, or private organizations in Section 5136 is dropped.)*

Several provisions in the Chairman's Mark are likely to draw heavy criticism from the Republican base, including:

- **Home Schools:** Weakening of the protections against federal intrusion for home schools
(Section 8511 of H.R. 1 states that nothing under that bill or any other Act administered by the Department of Education could be construed to permit, encourage, or authorize Federal control over any aspect of a home school. The Chairman's Mark drops the phrase "or any other Act".)
- **Parental Rights:** The definition of parent includes someone standing "in loco parentis," a definition so broad that it allows almost anyone to stand in the place of a parent.
- **Gender Programs:** Gender equity programs, such as the Women's Educational Equity program, that were consolidated into other programs under HR 1 are reestablished as separate programs under the Chairman's Mark.
- **Hate Crimes:** It is rumored that language is being added to allow Safe and Drug Free School money to be used to create programs to respond to crimes of hate.

STRAIGHT A's vs. LOCAL A's

The Straight A's proposal previously passed by the House and included in H.R. 1 provided that a State, in exchange for agreeing to meet certain performance goals, could:

- 1) use federal funds under multiple separate programs, including Title I, as they saw fit, AND
- 2) escape federal rules and regulations.

The Chairman's Mark strikes the Straight A's proposal and instead includes language that allows States and Local Education Agencies to:

- 1) transfer up to 50% of federal funds within 4 separate programs (transfer from one program to another) and/or transfer up to 50% from those programs to Title I. (If a school is identified as in need of improvement they would only be permitted to transfer up to 30%, and if it is failing school they would be barred from participating.) *(Source: Section 7203 of Title VII of the Chairman's Mark.)*

- **Under the Chairman's proposal a local school would not escape a single federal rule or regulation.**
- **Furthermore, schools most in need of flexibility, those that are failing, would be barred from participating.**